

REMARKS

Claims 1-5, 18-28 and 30 are pending in the present application, with claims 1,18 and 25 being the independent claims. Claims 1, 18 and 25 have been amended. No new matter has been added. In the Office Action dated March 27, 2007, claims 25-28 and 30 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Claims 1-5, 18-28 and 30 stand rejected under 35 U.S.C. §103(a). Applicants respectfully traverse the rejections and submit that all pending claims are in condition for allowance.

Rejection of Claims under 35 U.S.C §112

In the Office Action, claims 25-28 and 30 are rejected under 35 U.S.C §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Office Action alleges that the phrase “just before” in claim 25 is unclear as it can vary in an indeterminate range of times. Applicants hereby amend claim 25 to recite, in relevant part, “the particular unencrypted control message is detected prior to the transmission of telephony data”. In view of the present amendment, Applicants submit that claim 25, and claims 26-28 and 30 which depend therefrom, now fully comply with 35 U.S.C. §112, second paragraph. Accordingly, it is respectfully requested that the rejections, under 35 U.S.C. §112, second paragraph, of claims 25-28 and 30 be reconsidered and withdrawn.

Rejection of Claims under 35 U.S.C §103(a)

In the Office Action, claim 1 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,991,410 issued to Albert et al. (hereinafter referred to as “Albert”) in view of U.S. Patent No. 5,889,781 issued to Eftimakis et al. (hereinafter referred to as “Eftimakis”) in further view of U.S. Patent No. 5,717,689 issued to Ayanoglu (hereinafter referred to as “Ayanoglu”). Claim 18 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Albert in view of Eftimakis in further view of Ayanoglu as applied to claim 1, in further view of U.S. Patent No. 5,060,266 issued to Dent (hereinafter referred to as “Dent”). Claim 25 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Albert in view of Dent in further view of U.S. Patent No. 5,243,653 issued to Malek et al. (hereinafter referred to as “Malek”). Applicants respectfully traverse these

rejections and submit that Albert does not teach the elements of these claims as currently amended.

Applicants have amended claims 1, 18 and 25 to further clarify the subject matter claimed therein. Amended claim 1 recites, in relevant part: “wherein the particular control message is used to provide at least one other control function related to the setup of a wireless communication”. Amended claim 18 recites, in relevant part: “wherein the particular control message is used according to a wireless communication protocol to provide at least one other control function relating to the setup of a wireless communication under the wireless communication protocol”. Amended claim 25 recites, in relevant part: “wherein the particular unencrypted control message is used according to a wireless communication protocol to provide at least one other control function related to the setup of a wireless communication under the wireless communication protocol”. Applicants find support for the proposed amendments in at least paragraph [0026] of the specification. As the amended claims indicate, the control message disclosed is used to provide at least one other control function that is related to the setup of a wireless communication. Applicants submit the Albert does not teach this element of the claimed subject matter.

The Office Action in support of the rejection of claim 1 asserts on page 3 that Albert, column 17, lines 12-23, teaches processing a message for transmission, wherein the message includes control data and payload data, and wherein the control data is not encrypted and contains a particular control message. The Office Action, on page 12, further asserts that Albert, column 17, lines 12-30, discloses the control message is used to provide at least one other control function. Albert teaches that flags in the header of a data frame may be used to indicate that the data frame is compressed and/or encrypted. It is neither disclosed nor suggested anywhere in Albert that the control message is used to provide **at least one other control function relating to the setup of a wireless communication**, as claimed in amended claim 1. Furthermore, Eftimakis and Ayanoglu fail to cure this deficiency of Albert. Therefore, Albert, Eftimakis and Ayanoglu cannot render obvious claim 1 under 35 U.S.C. §103(a).

Claim 18 is rejected under 35 U.S.C. §103(a) on the substantially the same grounds as claim 1. Therefore, the same argument as set forth above in relation to claim 1 applies to claim 18. Albert does not disclose or suggest the particular control message is used according to a wireless communication protocol to provide **at least one other control**

function relating to the setup of a wireless communication under the wireless communication protocol as claimed in amended claim 18. As asserted in reference to claim 1, Eftimakis and Ayanoglu fail to cure this deficiency of Albert. Furthermore, Dent also fails to cure this deficiency of Albert. Therefore, Albert, Eftimakis, Ayanoglu and Dent cannot render obvious claim 1 under 35 U.S.C. §103(a).

Claim 25 is also rejected under 35 U.S.C. §103(a) on the substantially the same grounds as claim 1. Here again, Applicants assert that the same argument as set forth above in relation to claim 1 applies to claim 25. Albert does not disclose or suggest the particular unencrypted control message is used according to a wireless communication protocol to provide **at least one other control function related to the setup of a wireless communication** under the wireless communication protocol, as claimed in amended claim 25. Furthermore, Malek and Dent fail to cure this deficiency of Albert. Therefore, Albert, Malek and Dent cannot render obvious claim 25 under 35 U.S.C. §103(a).

Accordingly, Applicants believe that even if it is appropriate to combine Albert, Eftimakis and Ayanoglu as applied in the Office Action to claim 1, Albert, Eftimakis, Ayanoglu and Dent as applied in the Office Action to claim 18, or Albert, Malek and Dent as applied in the Office Action to claim 25 (which Applicants do not acknowledge and respectfully reserve the right to substantively challenge such combination), claims 1, 18 and 25 are patentable over such references. Applicants respectfully request reconsideration and allowance of claims 1, 18 and 25. Since claims 2-5, 19-24, 26-28 and 30 depend, directly or indirectly, from claims 1, 18 and 25 respectively, then those claims are also in condition for allowance. Accordingly, Applicants respectfully request reconsideration and allowance of claims 2-5, 19-24, 26-28 and 30.

Applicants acknowledge that the Office Action establishes additional grounds for rejection of the claims that are dependent upon claims 1, 18 and 25. However, in view of the amendments and traversals set forth with respect to the independent claims, Applicants believe that all such dependent claims are in condition for allowance, rendering the rejections of those claims moot. Applicants believe that this response completely and accurately addresses all grounds of rejection. Applicants reserve the right to challenge the rejection of any of those dependent claims in any future response that may be forthcoming.

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CONCLUSION

In view of the foregoing, Applicants respectfully submit that this application, including claims 1-5, 18-28 and 30, is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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